

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA

FLOYD T. HARRIS  
DARLENE A. HARRIS

Plaintiffs,

vs.

REGIONS BANK d/b/a  
REGIONS MORTGAGE,  
SUCCESSOR BY MERGER TO  
UNION PLANTERS BANK, N.A.,

Defendants.

2006 MAR -3 P 4:49

DEBRA P. HACKETT, CLK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

CIVIL ACTION: 2:06cv211-MHT

ARTICLE III JUDGE DEMANDED

DEMAND FOR JURY TRIAL

**REQUEST FOR PRODUCTION  
OF DOCUMENTS AT DEPOSITION**

Pursuant to Rule 30 of the Federal Rules of Civil Procedure, Plaintiffs request production of the following documents and things at the deposition of REGIONS Chief Loan Officer, REGIONS Chief Legal Counsel Denise McLaurin, REGIONS Assistant Vice President Khristi Matheny Custodian in Charge of books and records, And any other Custodian in Charge of books and records regarding the Contract [Mortgage Loan Account] #0896276949...to be taken on April 4, 2006, at 9:00 AM in the Upstairs Conference Room of the Supreme Court and State Law Library, Judicial Building located 300 Dexter Avenue, Montgomery, Alabama 36104...

**REQUESTED ARE**

1. **The Plaintiffs' Original Promissory Note** to this mortgage contract [pursuant to UCC 3-603 a copy of this document is unacceptable as this document itself is the document under controversy].
2. **A copy of REGIONS Charter**
3. **The Accounting evidencing Lender giving "Adequate Consideration" from Lenders' net worth accounts to purchase Borrowers' Promissory Note.**
4. **Lenders' bookkeeping entries associated with this loan matching the terms of the written loan agreement including the deposit of the value of the Borrowers' Promissory note.**
5. **Documentation supplying "Full Disclosure" of all accounting & auditing that is material to this loan agreement & transaction.**
6. **The Federally required call Reports FDIC FORMS: F-4 Quarterly Report, F-9A Balance Sheet, F-9B Statement of Income, F-9C Statement of Changes in Equity Capital, F-9D Statement of Changes in Financial Condition, F-9E**

**Schedules; and the SEC form 8-K filed by Lender containing any bookkeeping entry pertaining to mortgage loan contract # 089627694.**

### **METHOD OF RECORDING**

The Method of Recording said deposition will be Sound-and-Visual and, or Digital Sound Recorder.

### **COMPLAINT**

Comes now FLOYD T. HARRIS, and DARLENE A. HARRIS by and through their Attorneys-In-Fact Floyd Tyrone: Harris-El, and Darlene Anne: Harris-El seeking relief under: The U.S. Constitution, U.S. Codes, The Fair Debt Collection Practices Act, The Uniform Commercial Code, Maxims of Commerce.

Plaintiffs were denied **Due Process Right** to see “**Their Original Promissory Note**” [a document of the Harris’ own mortgage contract,] which is the key evidence sought throughout the Circuit Court proceedings, **in attempt to:**

- 1. Validate the alleged debt,**
- 2. Ensure against any fraudulent; endorsements, amendments, or conversion of said Original,**
- 3. [Then] expedite and facilitate The Conditional Tender of Payment offered by Plaintiffs in this action upon production of said promissory note in the absence of any of the elements enumerated in “2)” above. This Original Promissory Note [key evidence] was never produced after several requests for it in affidavit form.**

Plaintiffs were denied **Due Process Right** to Face The Injured Party to their Private Contract.

The Circuit Court Judge **Denied Due Process** by depriving the Plaintiffs in this case their property without producing a shred of evidence of The Plaintiffs owing the alleged debt.

According to the **Maxims of Commerce: Truth is spoken in the form of an Affidavit. An Unrebutted Affidavit stands as Truth in Commerce.**

**Failure/refusal to respond to Request for Admissions Affidavits by any REGIONS Official is what rendered Plaintiffs’ Summary/Default Judgement against them. Said judgement was achieved through Plaintiffs’ Private Administrative Process, witnessed and notarized by a neutral third-party Notary Public. This judgement has been Apostilled [made part of the Official Public Record]with the Secretary of State of Alabama .**

### NATURE OF ACTION

The nature of this action is to have this matter redressed before a Court of an Article III Judge, who:

- Supports The U.S. Constitution
- Supports His Oath of Office
- Is of Proper Jurisdiction over cases involving :
  - a. Diversity of Citizenship
  - b. Amount in Controversy exceeds Seventy-five Thousand Dollars
  - c. Constitutional rights have been denied.

### JURISDICTION & VENUE

Plaintiffs in this case are Sovereign State Citizens, and presented to the Judge at the Circuit Court Hearing evidence of such ie, Their Business Cards each showing UCC-1 Filing #, and their Unlimited Commercial Liability status, Documentation of their Powers of Attorneys, Their actual UCC-1 filing documents indicating the secured interests in said real property under controversy, and Their Holder-In-Due Course Status in this Contract.

The alleged payoff amount in controversy is **\$143,616.84 (One Hundred Forty-three Thousand, Six Hundred and Sixteen Dollars, and Eighty-four Cents)**, well in excess of the \$75,000 requirement to merit this Courts' **Subject Matter Jurisdiction**.

In addition to the **Fifth Amendment [Due Process] Rights Violations**, The alleged debt was **Never validated [verified]** by the Defendants in this proceeding, yet **The Circuit Court Judge ruled against the Plaintiffs without evidence of such, a Direct Violation of The Fair Debt Collection Practices Act section 809 (a), (b).**



Floyd Tyrone: Harris-El & Darlene Anne: Harris-El  
Attorneys-In-Fact For The Plaintiffs  
P.O. Box 71,  
Pell City, Alabama 35125

### AFFIDAVIT OF SERVICE

Cc: Trussell & Funderburg PC  
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1916 1<sup>st</sup> Avenue N.  
Pell City, Alabama 35125

**AFFIDAVIT OF SERVICE CONT'D**

Denise McLaurin, Chief Legal Counsel for REGIONS  
Lou Ann Poynter, Sr. Executive V.P. of Mortgage Banking for REGIONS  
Khristi Matheny, Asst. V.P. Custodian in Charge of Books and Records for  
REGIONS, and  
Any other Custodian in Charge of Books and Records for REGIONS pertaining to  
Documents associated with Mortgage Loan Account #0896276949  
215 Forrest Street  
Hattiesburg, Mississippi 39401